

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

<hr/>		) Case No.
THOMAS HART, LISA HART, KEVIN MCDONALD,		) 1:20-cv-475 (MAD/DJS)
SARAH MCDONALD, 1667 WESTERN AVENUE, LLC and		)
RED-KAP SALES, INC.		)
	Plaintiffs,	)
-against-		)
		)
TOWN OF GUILDERLAND, PLANNING BOARD AND ZONING		)
BOARD OF APPEALS OF GUILDERLAND, PYRAMID		)
MANAGEMENT GROUP, LLC, RAPP ROAD DEVELOPMENT, LLC		)
and CROSSGATES RELEASECO, LLC,		)
		)
	Defendants.	)
<hr/>		

**NOTICE OF MOTION**

<u>Motion by:</u>	Plaintiffs Thomas Hart, Lisa Hart, Kevin McDonald, 1667 Western Avenue, LLC and Red-Kap Sales, Inc.
<u>Motion Calendar Return Date:</u>	May 29, 2020, at 9:30 a.m. on submission unless directed otherwise.
<u>Relief and Basis:</u>	Preliminary injunction sought to prevent further clear cutting or construction activities prior to completion of the environmental review pursuant to the New York State Environmental Quality Review Act (SEQRA). Plaintiffs also seek an order enjoining municipal defendants' further SEQRA review and transfer of lead agency status due to defendants' violations of the Clean Water Act, Endangered Species Act, New York State laws and predetermination of of corporate defendant's development project violating plaintiffs' substantive rights of due process.
<u>Supporting Papers:</u>	(a) Complaint (b) Memorandum of Law (b) Affirmation of James Bacon with Exhibits A-GG (c) Affidavit of Erik Kiviat, PhD. (d) Affidavit of Lisa Hart with two attachments (e) Affidavit of Kevin McDonald with one attachment

Respectfully submitted,



James Bacon

Dated: April 25, 2020

Attorney for plaintiffs  
N.D.N.Y. Bar No. 700116  
PO Box 575  
New Paltz, New York 12561  
(845) 419-2338  
Baconesq@yahoo.com